

**Notice of Allowability**

Application No.

09/720,488

Examiner

Brian P. Egan

Applicant(s)

OTA ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response filed 4/21/04.
2. ☒ The allowed claim(s) is/are 1,3-9,12 and 13.
3. ☒ The drawings filed on 27 December 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## NOTICE OF ALLOWANCE

### *Examiner's Amendment*

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Joel Armstrong on July 1, 2004.

The application has been amended as follows:

#### IN THE CLAIMS:

##### Claim 1:

-Line 5, delete the phrase, "wherein the total weight of the poly(ethylene terephthalate) resin constituting the resin layer A is 95% to 55% by weight and the total weight of the polyolefin resin layer having the cyclic olefin component constituting the resin layer B is 5 to 45% by weight" after the phrase "cyclic olefin component,".

-Line 5, insert the phrase -- wherein the total weight of the laminated resin layers A and B comprises 95 to 55% by weight of the poly(ethylene terephthalate) resin constituting the resin layer A and 5 to 45% by weight of the polyolefin resin layer having the cyclic olefin component constituting the resin layer B -- after the phrase "cyclic olefin component,".

***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance: the invention as claimed, namely a laminated plastic molded body being a three-layered or five-layered laminated plastic molded body in which a PET resin layer A and a polyolefin having a cyclic olefin component resin layer B are laminated alternately, wherein the total weight of the laminated resin layers A and B comprises 95 to 55% by weight of the poly(ethylene terephthalate) resin constituting the resin layer A and 5 to 45% by weight of the polyolefin resin layer having the cyclic olefin component constituting the resin layer B, is neither anticipated nor fairly suggested by the prior art of record.

Although the prior art of record teaches that a laminate structure with alternating A and B layers as claimed by the Applicant is known, none of the prior art references of record teach the Applicant's claimed weight % ratio of PET of layer A to polyolefin of layer B with regards to the total weight of the laminate structure. The Applicant's have clearly demonstrated unexpected results with regards to oxygen and water vapor permeability of the laminate through limiting the weight ratios within the claimed ranges (see the Rule 132 declaration filed April 21, 2004 (and appended Fig. 1 to the declaration)). Therefore, the Applicant's claimed invention is rendered patentable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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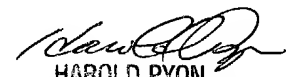
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Egan whose telephone number is 571-272-1491. The examiner can normally be reached on M-F, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BPE 7/1/04

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

7/1/04